

AMENDED IN ASSEMBLY AUGUST 26, 2004
AMENDED IN ASSEMBLY AUGUST 23, 2004
AMENDED IN ASSEMBLY JANUARY 29, 2004
AMENDED IN ASSEMBLY JULY 14, 2003
AMENDED IN ASSEMBLY JULY 3, 2003

SENATE BILL

No. 311

Introduced by Senator Sher
(Coauthor: Senator Alpert)
(Coauthors: Assembly Members Liu and Nation)

February 19, 2003

An act to amend, repeal, and add Section 52124 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Sher. Education: class size.

Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.

Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and requires the Controller to deduct a specified amount from the next principal apportionment to the school district for each class that the district failed to reduce to a class size of 20 or less pupils.

This bill would, until July 1, 2009, require the Controller to deduct from the next principal apportionment of the district a specified amount based on the annual pupil enrollment of a class above a different prescribed number.

~~This~~

~~The bill would authorize a school district located in the County of Los Angeles, Riverside, San Bernardino, San Diego, or Ventura to claim class size reduction funding for the 2003–04 school year based on enrollment counts before the October 2003 fires, in those classes if the district lost enrollment due to those fires or for a class that either exceeds 20 pupils or is housed with another class if the district experienced increases in enrollment due to those fires, as specified.~~

~~This~~

~~The bill would declare that due to the unique circumstances relating to the Counties of Los Angeles, Riverside, San Bernardino, San Diego, and Ventura, a general statute cannot be made applicable.~~

~~This~~

~~The bill would make other technical changes.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52124 of the Education Code is
- 2 amended to read:
- 3 52124. (a) A school district that implements a class size
- 4 reduction program pursuant to this chapter is subject to this
- 5 section.
- 6 (b) A school district may establish a program to reduce class
- 7 size in kindergarten and grades 1 to 3, inclusive, and that program
- 8 shall be implemented at each schoolsite according to the following
- 9 priorities:
- 10 (1) If only one grade level is reduced at a schoolsite, the grade
- 11 level shall be grade 1.
- 12 (2) If only two grade levels are reduced at a schoolsite, the
- 13 grade levels shall be grades 1 and 2.
- 14 (3) If three grade levels are reduced at a schoolsite, then those
- 15 grade levels shall be kindergarten and grades 1 and 2 or grades 1

1 to 3, inclusive. Priority shall be given to the reduction of class sizes
2 in grades 1 and 2 before the class sizes of kindergarten or grade 3
3 are reduced.

4 (4) If four grade levels are reduced at a schoolsite, then those
5 grade levels shall be kindergarten and grades 1 to 3, inclusive. First
6 priority shall be given to the reduction of class sizes in grades 1 and
7 2, second priority shall be given to the reduction of class size in
8 kindergarten and grade 3. This paragraph shall be operative only
9 in those fiscal years for which funds are appropriated expressly for
10 the purposes of this paragraph.

11 (c) It is the intent of the Legislature to continue to permit the
12 use of combination classes of more than one grade level to the
13 extent that school districts are otherwise permitted to use that
14 instructional strategy. However, any school district that uses a
15 combination class in any class for which funding is received
16 pursuant to this chapter may not claim funding pursuant to this
17 chapter if the total number of pupils in the combination class,
18 regardless of grade level, exceeds 20 pupils per certificated teacher
19 assigned to provide direct instructional services.

20 (d) The governing board of a school district shall certify to the
21 Superintendent of Public Instruction that it has met the
22 requirements of this section in implementing its class size
23 reduction program. If a school district receives funding pursuant
24 to this chapter but has not implemented its class size reduction
25 program for all grades and classes for which it received funding
26 pursuant to this chapter, the Superintendent of Public Instruction
27 shall notify the Controller and the school district in writing and the
28 Controller shall deduct an amount equal to the amount received by
29 the school district under this chapter for each class that the school
30 district failed to reduce to a class size of 20 or less pupils from the
31 next principal apportionment or apportionments of state funds to
32 the district, other than basic aid apportionments required by
33 Section 6 of Article IX of the California Constitution.

34 (e) Except for a school district participating pursuant to
35 subdivision (h) of Section 52122, the amount deducted pursuant
36 to subdivision (d) shall be adjusted as follows:

37 (1) Twenty percent of the amount to which the district would
38 otherwise be eligible for each class for which the annual
39 enrollment determined pursuant to Section 52124.5 is greater than
40 or equal to 20.5 but less than 21.0.

(2) Forty percent of the amount to which the district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 21.0 but less than 21.5.

(3) Eighty percent of the amount to which the district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 21.5 but less than 21.9.

(4) The amount deducted pursuant to subdivision (d) for each class for which the annual average enrollment determined pursuant to 52141.5 is greater than or equal to 21.9 shall be the amount of funding the district received for the class pursuant to this chapter.

(f) Notwithstanding any other provision of this chapter, a school district located in the County of Los Angeles, Riverside, San Bernardino, San Diego, or Ventura may claim funding pursuant to this chapter for the 2003–04 school year based on enrollment counts before the October 2003 fires, in classes for which the class size reduction program is implemented if the following criteria are met:

(1) The school district submits to the Superintendent of Public Instruction a “Request for Allowance of Attendance because of Emergency Conditions” pursuant to Section 46392 and the emergency conditions were caused by the October 2003 fires.

(2) The school district certifies that it suffered a loss of enrollment in classes in which the class size reduction program is implemented and this loss of enrollment is due to the October 2003 fires and would result in a decrease in funding that the district receives pursuant to this chapter.

~~(g) Notwithstanding any other provision of this chapter, a school district located in the County of Los Angeles, Riverside, San Bernardino, San Diego, or Ventura may claim funding for 20.44 pupils pursuant to this chapter for the 2003–04 school year for a class that either exceeds 20 pupils or is housed with another class if the school district certifies the following:~~

~~(1) The number of pupils enrolled in the district increased as a direct result of the October 2003 fires and this growth increased the numbers of pupils enrolled in classes in which the class size reduction program is implemented.~~

1 ~~(2) The district lacked sufficient classroom space or~~
2 ~~credentialed teachers to accommodate the unexpected enrollment~~
3 ~~increase attributable to the October 2003 fires.~~

4 ~~(h)~~

5 (g) This section shall be operative until July 1, 2009, and as of
6 January 1, 2010, is repealed, unless a later enacted statute deletes
7 or extend that date.

8 SEC. 2. Section 52124 is added to the Education Code, to
9 read:

10 52124. (a) Any school district that implements a class size
11 reduction program pursuant to this chapter is subject to this
12 section.

13 (b) A school district may establish a program to reduce class
14 size in kindergarten and grades 1 to 3, inclusive, and that program
15 shall be implemented at each schoolsite according to the following
16 priorities:

17 (1) If only one grade level is reduced at a schoolsite, the grade
18 level shall be grade 1.

19 (2) If only two grade levels are reduced at a schoolsite, the
20 grade levels shall be grades 1 and 2.

21 (3) If three grade levels are reduced at a schoolsite, then those
22 grade levels shall be kindergarten and grades 1 and 2 or grades 1
23 to 3, inclusive. Priority shall be given to the reduction of class sizes
24 in grades 1 and 2 before the class sizes of kindergarten or grade 3
25 are reduced.

26 (4) If four grade levels are reduced at a schoolsite, then those
27 grade levels shall be kindergarten and grades 1 to 3, inclusive. First
28 priority shall be given to the reduction of class sizes in grades 1 and
29 2, second priority shall be given to the reduction of class size in
30 kindergarten and grade 3. This paragraph shall be operative only
31 in those fiscal years for which funds are appropriated expressly for
32 the purposes of this paragraph.

33 (c) It is the intent of the Legislature to continue to permit the
34 use of combination classes of more than one grade level to the
35 extent that school districts are otherwise permitted to use that
36 instructional strategy. However, any school district that uses a
37 combination class in any class for which funding is received
38 pursuant to this chapter may not claim funding pursuant to this
39 chapter if the total number of pupils in the combination class,

1 regardless of grade level, exceeds 20 pupils per certificated teacher
2 assigned to provide direct instructional services.

3 (d) The governing board of a school district shall certify to the
4 Superintendent of Public Instruction that it has met the
5 requirements of this section in implementing its class size
6 reduction program.

7 If a school district receives funding pursuant to this chapter but
8 has not implemented its class size reduction program for all grades
9 and classes for which it received funding pursuant to this chapter,
10 the Superintendent of Public Instruction shall notify the Controller
11 and the school district in writing and the Controller shall deduct an
12 amount equal to the amount received by the school district under
13 this chapter for each class that the school district failed to reduce
14 to a class size of 20 or less pupils from the school district's next
15 principal apportionment or apportionments of state funds to the
16 district, other than basic aid apportionments required by Section
17 6 of Article IX of the California Constitution.

18 (e) This section is operative on and after July 1, 2009.

19 SEC. 3. The Legislature finds and declares that due to unique
20 circumstances relating to the Counties of Los Angeles, Riverside,
21 San Bernardino, San Diego, and Ventura, a general statute cannot
22 be made applicable within the meaning of Section 16 of Article IV
23 of the California Constitution.

24 SEC. 4. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety
26 within the meaning of Article IV of the Constitution and shall go
27 into immediate effect. The facts constituting the necessity are:

28 To provide much needed flexibility to school districts currently
29 deciding whether to end participation in the Class Size Reduction
30 Program, and to timely provide essential relief to school districts
31 in the Counties of Los Angeles, Riverside, San Bernardino, San
32 Diego, and Ventura that may receive a loss of state funding as a
33 result of the fires that occurred in California during October of
34 2003, it is necessary that this bill take effect immediately.

